  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**FILED**

SEP - 7 2006

**SURFACE  
TRANSPORTATION BOARD**

**James R. Paschall  
Senior General Attorney**

(757) 629-2759

September 6, 2006

**VIA DHL EXPRESS**

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D. C. 20006

217506



Re: STB Docket No. AB-290 (Sub. No. 275X), Norfolk Southern Railway  
Company – Abandonment – Gaston County, North Carolina – Notice of  
Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an original and  
ten copies of the Notice of Exemption. Also enclosed is a check in the amount of  
\$3,100.00 to cover the filing fee.

Please acknowledge receipt on the enclosed copy of this letter and return it to me  
in the enclosed, self-addressed, stamped envelope.

Yours very truly,

**FEE RECEIVED**

SEP - 7 2006

**SURFACE  
TRANSPORTATION BOARD**



James R. Paschall

JRP/kch  
Enclosures

cc w/enclosure:

L. Ashley Smith  
City Attorney  
181 South Street  
P. O. Box 1748  
Gastonia, NC 28053-1748

**ENTERED  
Office of Proceedings**

SEP 7 - 2006

**Part of  
Public Record**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 275X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT --

--

IN GASTON COUNTY, NORTH CAROLINA

VERIFIED NOTICE OF EXEMPTION

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between mileposts HG 45.0 and HG 47.0 in Gastonia, Gaston County, North Carolina.

Pursuant to the Board's regulations codified at 49 CFR § 1152.50, NSR states as follows:

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of General Manager B. A. Burgess confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no

complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between mileposts HG 45.0 and HG 47.0 in Gastonia, Gaston County, North Carolina, will be October 27, 2006.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall  
Senior General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510  
(757) 629-2759

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 2.0 miles of track between mileposts HG 45.0 and HG 47.0 in Gastonia, Gaston County, North Carolina. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal

Service ZIP Codes 28052, 28054 and 28056, in Gaston County, North Carolina. The line includes the former station of North Gastonia.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

NSR has received no inquiries about public use of the right-of-way comprising the Line and is unaware of any potential public purposes to which the right-of-way may be suited. However, the City of Gastonia is interested in acquiring most of the right-of-way under the National Trails System Act.

Thus, NSR is agreeable to conveying its interest in the 1.8 mile segment of the subject line lying approximately between mileposts HG 45.0 and HG 46.8 to the City of Gastonia for interim trail use under the National Trails System Act and creation of a greenway. The grade crossing at milepost HG 45.4 will be removed, but no other removal or salvage of rail and track material will occur on this 1.8 mile segment. Rail and track materials will be salvaged on the two-tenths of a mile between mileposts HG 46.8 and HG 47.0.

NSR does not have fee title to the right-of-way. The segment of the line between mileposts HG 45.0 and HG 46.8 will become a trail and greenway following its conveyance for trail use. Thus, the exact status of NSR's interests in the real estate along this segment of the right-of-way will not affect its conveyance to the City under the Trails Act. Future land use plans for the remaining two-tenths of a mile between mileposts HG 46.8 and HG 47.0 will be determined by the property owners.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

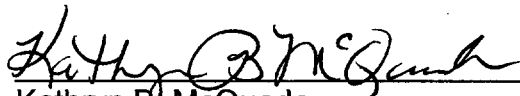
NSR has consulted with the North Carolina State Historic Preservation Officer, and the North Carolina Department of Cultural Resources, Division of Archives and History has responded that they have no comment as a result of this review. A copy of the NCDCCR response is attached to the Historic Report.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that it has complied with the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice).

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from the prior approval requirements of 49 U.S.C. §§ 10903 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,

  
Kathryn B. McQuade  
Vice President  
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall  
Senior General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
(757) 629-2759

Attorney for Norfolk Southern Railway Company

Dated: September 6, 2006

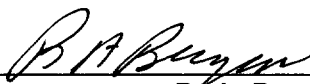
**CERTIFICATION**

STATE OF GEORGIA :

SS:

CITY OF ATLANTA :

B. A. Burgess makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between milepost HG 45.0 and HG 47.0 in Gastonia, Gaston County, North Carolina, over which operations are to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

  
\_\_\_\_\_  
B. A. Burgess

Subscribed and sworn to before me  
this 21st day of August, 2006.

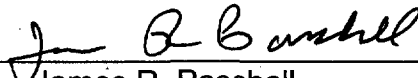
  
\_\_\_\_\_  
Notary Public

My commission expires:

Notary Public, Fulton County, Georgia  
My Commission Expires June 9th 2008

### CERTIFICATION

I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in The Gaston Gazette, Gastonia, North Carolina, on August 10, 2006 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).

  
\_\_\_\_\_  
James R. Paschall

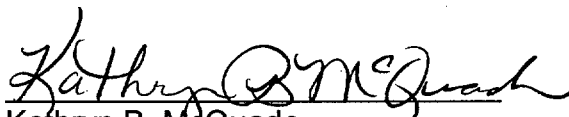
Dated: September 6, 2006



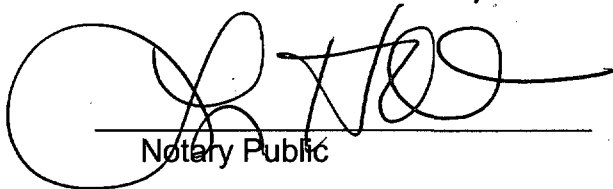
VERIFICATION

COMMONWEALTH OF VIRGINIA :  
: SS:  
CITY OF NORFOLK :

Kathryn B. McQuade, being duly sworn, deposes and says that she is Vice President of Norfolk Southern Railway Company; that she is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 275X) on behalf of Norfolk Southern Railway Company; that she has carefully examined all of the statements contained in said Notice of Exemption; that she has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of her knowledge, information, and belief.

  
Kathryn B. McQuade

Subscribed and sworn to before me  
this 31<sup>st</sup> day of August, 2006.

  
\_\_\_\_\_  
Notary Public

My commission expires:

November 30, 2009

[SEAL]

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon JoAnne Sanford, Chair, North Carolina Utilities Commission; Mr. Patrick B. Simmons, Director-Rail Division, North Carolina Department of Transportation; U. S. Department of Agriculture, Chief of the Forest Service; Regional Director, National Park Service; Ms. Jan Matthews, Associate Director, U. S. Department of the Interior-National Park Service, Cultural Resources; and the United States Department of Defense (MTMCTEA); on September 6, 2006, by first class mail, postage prepaid.

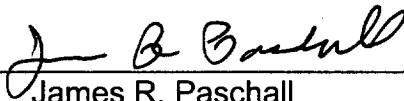
  
\_\_\_\_\_  
James R. Paschall

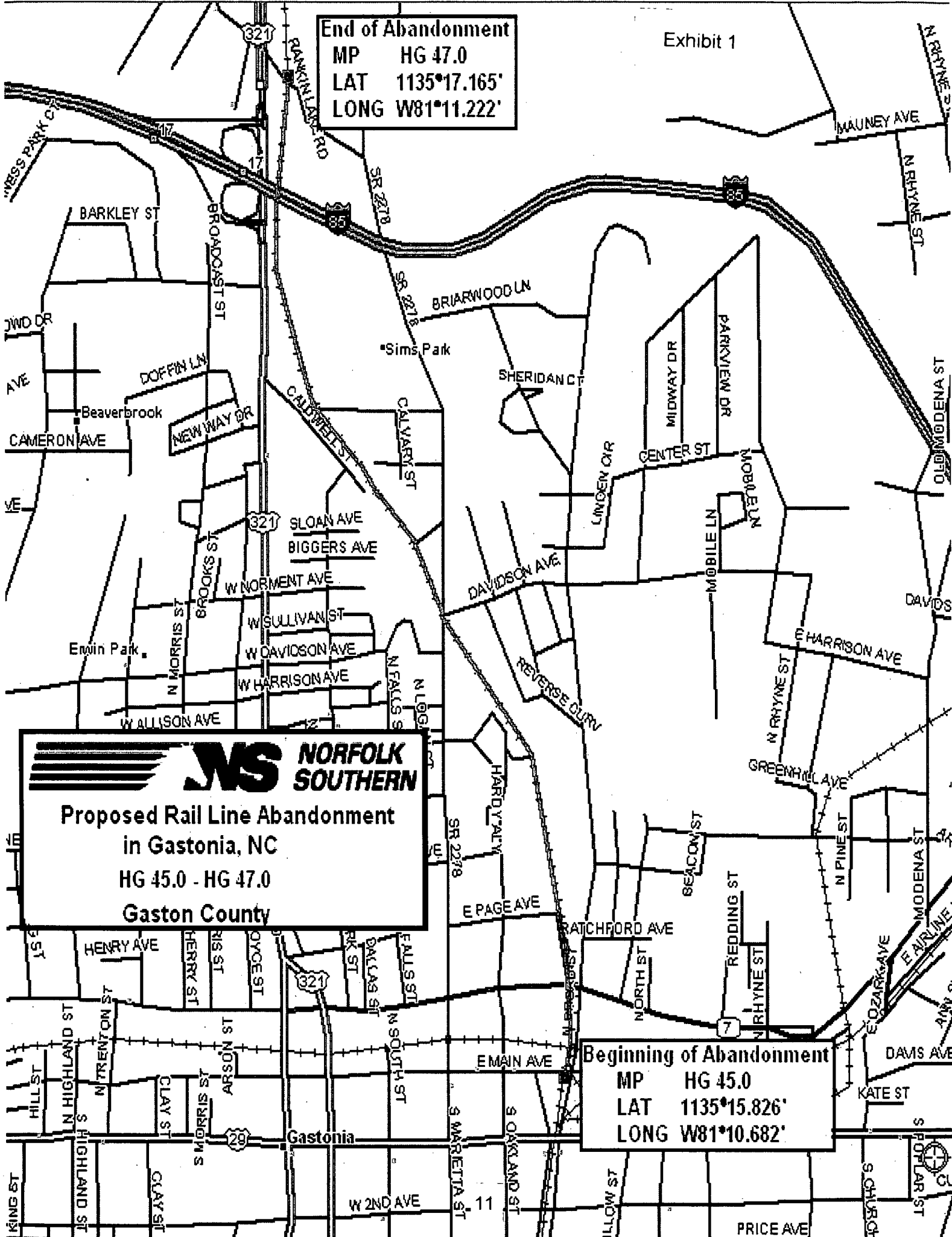
Exhibit 1

End of Abandonment  
MP HG 47.0  
LAT 1135°17.165'  
LONG W81°11.222'

Beginning of Abandonment  
MP HG 45.0  
LAT 1135°15.826'  
LONG W81°10.682'



**Proposed Rail Line Abandonment  
in Gastonia, NC  
HG 45.0 - HG 47.0  
Gaston County**



## **EXHIBIT 2**

### **ENVIRONMENTAL AND HISTORIC REPORTS**

**ENVIRONMENTAL REPORT ON  
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY  
(BETWEEN MP HG 45.0 AND HG 47.0  
AT GASTONIA, NORTH CAROLINA)**

**July 3, 2006  
Revised August 18, 2006**

.....  
**NORFOLK SOUTHERN RAILWAY COMPANY  
THREE COMMERCIAL PLACE  
NORFOLK, VIRGINIA 23510-9207**

## ENVIRONMENTAL REPORT ON PROPOSED RAIL LINE ABANDONMENT

**Abandonment of: 2.0 miles of track between Mileposts HG 45.0 and  
HG 47.0 in Gastonia, Gaston County, North Carolina**

### 1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NSR) proposes to abandon 2.0 miles of rail line within the City of Gastonia in Gaston County, North Carolina. A Map delineating the line proposed for abandonment is attached as **Appendix A**.

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. NSR would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

NSR's interest in the 1.8 mile segment of the subject line lying approximately between mileposts HG 45.0 and HG 46.8 will be conveyed to the City of Gastonia for interim trail use under the National Trails System Act and creation of a greenway. The grade crossing at milepost HG 45.5 will be removed, but no other removal or salvage of rail and track material will occur on this 1.8 mile segment. Rail and track materials will be salvaged on the two-tenths of a mile between mileposts HG 46.8 and HG 47.0.

NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

## 2. TRANSPORTATION SYSTEM

Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. Within the last two years, no rail freight or passenger traffic has moved on the line segment proposed for abandonment. Consequently, no rail traffic will be diverted to highway as a result of the abandonment.

## 3. LAND USE

### (i) Land Use Plans

The proposed abandonment involves 2.0 miles of rail line located in Gastonia, North Carolina. The land along this line is predominately urban, lying entirely within the city limits of Gastonia. Approximately three-tenths of a mile on the northern end of the subject segment is bounded by Sims Legion Park, the site of a stadium. NSR believes impacts to land use by the proposed rail line abandonment will be negligible. The absence of traffic on the rail line indicates a substantial lack of rail-dependent land uses in the area.

NSR does not have fee title to the right-of-way. The segment of the line between mileposts HG 45.0 and HG 46.8 will become a greenway following its conveyance for trail use. Future land use plans for the remaining two-tenths of a mile between milepost HG 46.8 and 47.0 will be determined by the property owners.

An outline of future land use plans has been requested from the Mayor and Director of Planning of the City of Gastonia as well as from the County Manager of Gaston County, North Carolina.

(ii) Prime Agricultural Lands

Based on consultation with United States Department of Agriculture Natural Resources Conservation Service, no effects on prime agricultural land are anticipated as a result of the abandonment. There are no prime agricultural lands located near this segment of rail. A copy of the response received from the USDA-NRCS is included in **Appendix C**.

(iii) Coastal Zone

Not Applicable

(iv) Alternative Public Use

The right-of-way should be suitable for alternative use. As described above, the segment of the subject line between mileposts HG 45.0 and HG 46.8 will be made available for interim trail use.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic has moved over the line for two years.

(ii) Movement/Recovery of Recyclable Commodities

Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic has moved over the line for two years.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment as no freight or passenger traffic has moved over the line proposed for abandonment for two years.



(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

The proposed action does not exceed Surface Transportation Board thresholds set in regulation 49 CFR §1105.7(e)(5). Therefore, the action does not require a quantified analysis of emissions. Emissions associated with rail removal and salvage operations will be temporary and will not have a significant impact on air quality.

(i) Effects on Air Emissions

Neither the State of North Carolina nor Gaston County has established analysis thresholds for air emissions; however, the State of North Carolina does have regulations regarding the emissions of fugitive dust to ambient air. These regulations are published in the North Carolina Air Quality Rules, Section 2D.0540 and are provided in **Appendix D**. The United States Environmental Protection Agency (USEPA) has National Ambient Air Quality Standards for pollutants (including ozone) as found in regulation 40 CFR Part 50; however, NSR does not anticipate any adverse effect on North Carolina's air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Gaston County, North Carolina is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency, with the exception that Gaston County is not in attainment for ozone. NSR does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is not contemplated since the proposed action is abandonment.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds set in regulation 49 CFR §1105.7(e)(6). Therefore the action does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment.

There is no Federal noise regulation according to the Environmental Protection Agency. Neither the State of North Carolina nor Gaston County has established analysis thresholds for noise.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. Moreover, the closing of seven at-grade crossings on the segment to be abandoned enhances public safety by eliminating distractions to vehicular traffic crossing the line. These crossings are listed in **Appendix E**.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

## 8. BIOLOGICAL RESOURCES

### (i) Endangered Species/Critical Habitat

A search of public records has indicated four endangered and/or threatened species which may occur in Gaston County. Detailed information is provided in **Appendix F** and is summarized below:

#### ENDANGERED AND/OR THREATENED SPECIES

##### GASTON COUNTY, NORTH CAROLINA

	Scientific Name	Common Name	Federal Status	State Status
Animals	<i>Glyptemys muhlenbergii</i>	Bog Turtle	LT	LT
	<i>Haliaeetus leucocephalus</i>	Bald Eagle	LT	LT
Plants	<i>Helianthus schweinitzii</i>	Schweinitz's sunflower	LE	LE
	<i>Quercus ilicifolia</i>	Bear Oak	None	LT

LE – Listed Endangered

LT – Listed Threatened

NSR consulted with the U.S. Fish and Wildlife Service and the North Carolina Department of Natural Resources to ascertain any impacts to surrounding habitats and species. The U.S. Fish and Wildlife Service, whose response is attached in **Appendix C**, does not believe the abandonment will adversely affect any federally listed endangered or threatened species, and advises that the requirements under Section 7 of the Endangered Species Act are fulfilled.

### (ii) Sanctuaries, Refuges and Parks

Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

## 9. WATER

### (i) Water Quality Standards

As described above, 1.8 miles of the subject line segment will be conveyed for interim trail use and any salvage activity will be limited to the two-tenths of a mile between mileposts HG 46.8 and HG 47.0. As the associated right of way is not owned by NSR, it has no plans to remove or alter the contour of the roadbed underlying any part of the rail line to be abandoned. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation has been requested from the North Carolina Department of Environment and Natural Resources and from the United States Environmental Protection Agency.

After distribution of this Report, the North Carolina Department of Environment and Natural Resources submitted comments and the United States Environmental Protection Agency responded that this activity is not subject to NPDES permitting requirements. Copies of these responses are attached in **Appendix C**.

### (ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment crosses a small unnamed waterway at milepost HG 46.34. No removal of rail or crossties or any other salvage activity will occur on this portion of the subject line. The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, NSR does not believe a Section 404 permit will be required in connection with the proposed abandonment.

Subsequent to the distribution of this Report, the U. S. Army Corps of Engineers, Wilmington District, reported that this proposed project does not have a regulated impact on jurisdictional waters or wetlands. A copy of this correspondence is attached in **Appendix C**.

(iii) Section 402 Permit

NSR has no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work, to dredge or to use any fill materials. There should be no significant effects to water quality. Thus, NSR does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

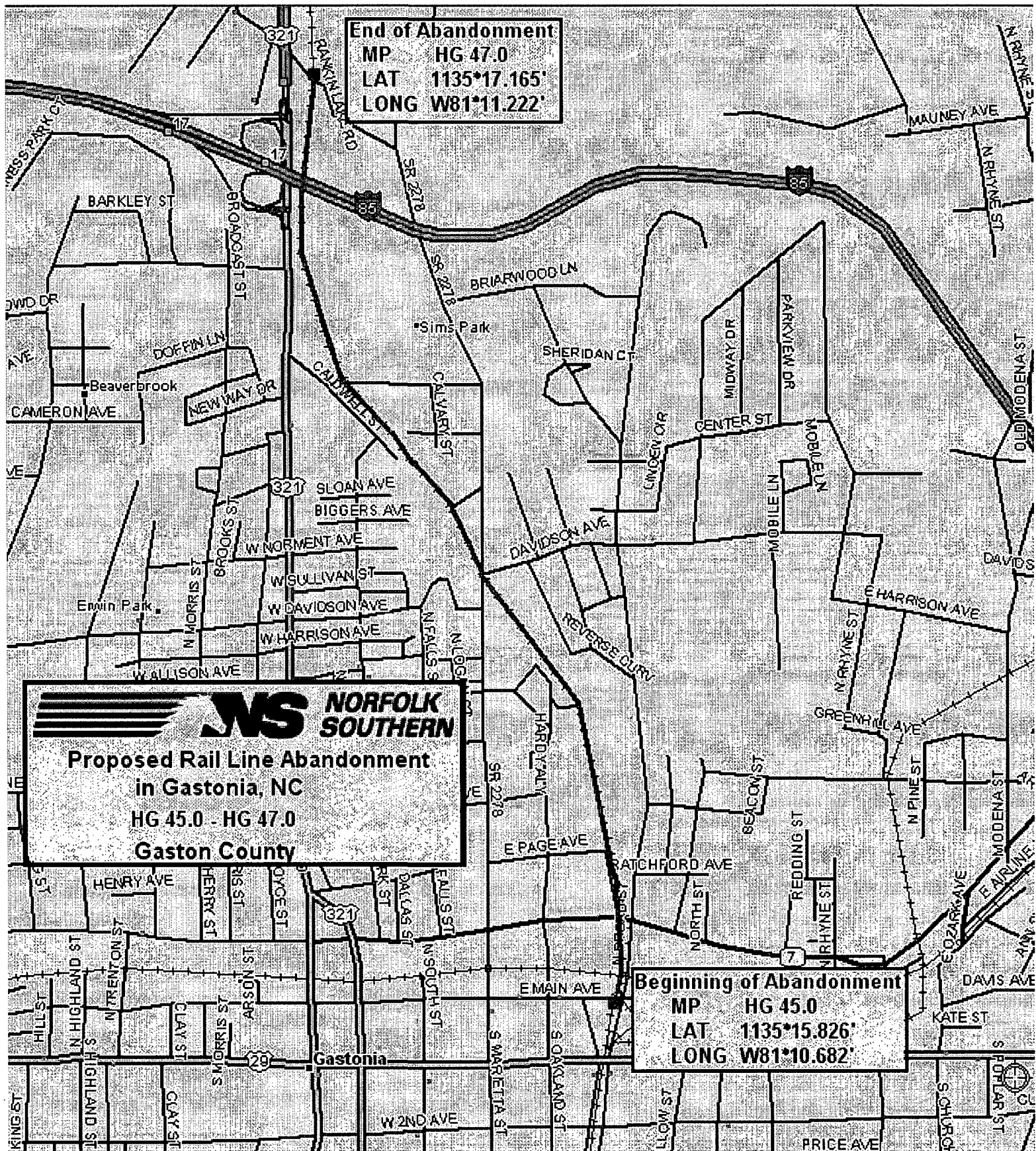
Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances, and only on a short segment of the subject line. NSR will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

**Additional Information - National Geodetic Survey Marker**

Attached in **Appendix C** is a response from the National Geodetic Survey stating there are approximately 5 National Geodetic Survey markers on or near the Line. NGS requests a 90-day advance notice to attempt formal relocation if the markers will be disturbed by the abandonment.

# **APPENDIX A**

## **Site Map**



End of Abandonment  
MP HG 47.0  
LAT 1135°17.165'  
LONG W81°11.222'

**NORFOLK SOUTHERN**  
Proposed Rail Line Abandonment  
in Gastonia, NC  
HG 45.0 - HG 47.0  
Gaston County

Beginning of Abandonment  
MP HG 45.0  
LAT 1135°15.826'  
LONG W81°10.682'

## **APPENDIX B**

### **Agency Letters**



## RECIPIENT LIST

**Proposed Rail Line Abandonment of the segment of rail line between MP HG 45.0 and MP HG 47.0, a distance of 2.0 miles, located in Gastonia, Gaston County, North Carolina.**

<b>Agency</b>	<b>Contact Name</b>	<b>Address</b>
North Carolina State Clearing House	Ms. Chrys Baggett	Department of Administration 1301 Mail Service Center Raleigh, NC 27699-1301
United States Environmental Protection Agency	Mr. Roosevelt Childress Chief NPDES & Biosolids Permits Section	Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303-3104
North Carolina Department of Environment and Natural Resources	Mr. Michael Parker Environmental Specialist	Division of Water Quality Asheville Regional Office 2090 US Highway 70 Swannanoa, NC 28778
North Carolina Department of Environment and Natural Resources	Mr. William G. Ross Jr. Secretary	Department of Environment and Natural Resources 1601 Mail Service Center Raleigh, NC 27699-1601
Mayor, City of Gastonia	Ms. Jennifer T. Stultz	P. O. Box 1748 Gastonia, NC 28053-1748
Manager Gaston County	Mr. Jan Winters	Administrative Building 128 W. Main Avenue Gastonia, NC
Director of Planning, City of Gastonia	Mr. Jack L. Kiser, AICP	P. O. Box 1748 Gastonia, NC 28053-1748
U. S. Fish and Wildlife Service	Mr. Sam Hamilton Regional Director	Region 4 1875 Century Boulevard Atlanta, GA 30345
U. S. Fish and Wildlife Service	Mr. Brian Cole	Asheville Field Office 160 Zillicoa Street Asheville, NC 28801
U. S. Army Corps of Engineers	Mr. Samuel Jolly Chief, Regulatory Branch	Wilmington District P. O. Box 1890 Wilmington, NC 28402-1890
National Park Service	Ms. Patricia Hooks Regional Director	100 Alabama Street, SW Atlanta, GA 30303
USDA Natural Resources Conservation Service	Ms. Mary K. Combs State Conservationist	USDA Natural Resources Conservation Service 4405 Bland Rd., Suite 205 Raleigh, NC 27609
USDA Natural Resources Conservation Service	Mr. Shawn Smith District Conservationist	Dallas Service Center 1303 Dallas Cherryville Highway Dallas, NC 28034-7799
National Geodetic Survey N/NGS2	Mr. Frank Maida DOC/NOAA	1315 East/West Highway Station 8736 Silver Spring, MD 20910
State Geodetic Survey Contact	Mr. Gary W. Thompson, RLS	Chief, NC Geodetic Survey Elks Building 20323 Mail Service Center Raleigh, NC 27699-0323
North Carolina Department of Transportation [Courtesy Copy]	Mr. Patrick B. Simmons Director	Rail Division 1533 Mail Service Center Raleigh, NC 27699-1533



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**Marcellus C. Kirchner**  
Director Strategic Planning  
(757) 629-2679  
(757) 823-5807 FAX

July 3, 2006

RE: Docket No. AB-290 (Sub-No. 275X), Norfolk Southern Railway Company  
Abandonment – in Gaston County, North Carolina

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost HG 45.0 and Milepost HG 47.0, a distance of 2.0 miles, located in Gastonia, Gaston County, North Carolina.

Enclosed is an Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report.

NSR does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 565-1552 or by mail to:

Surface Transportation Board,  
1925 K Street, N.W., Room 3219  
Washington DC 20423-001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Page 2  
July 3, 2006

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to me at the above address or by email at [marc.kirchner@nscorp.com](mailto:marc.kirchner@nscorp.com).

Sincerely,



Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Railway Company

Enclosures

cc: James R. Paschall, Esq.

# **Appendix C**

## **Agency Responses**

**Braun, Donna L.**

---

**From:** Smith, Shawn - Dallas, NC [shawn.smith@nc.usda.gov]  
**Sent:** Thursday, May 04, 2006 3:01 PM  
**To:** donna.braun@nscorp.com  
**Subject:** NS Railway Abandonment

Ms. Donna,

I have reviewed the site NS railway between Milepost HG 45.0 and Milepost HG 47.0 in Gastonia located in Gaston County, North Carolina.

The soil mapping descriptions indicate that the soils are mapped as urban land. Therefore this project will not have a direct impact or an indirect impact on Gaston Counties prime agricultural land.

Thank you for your concern of our prime agricultural soils. It takes every parcel to produce a good crop. I hope that your project is a success. If you need further assistance, my number is listed below.

Shawn E Smith  
USDA-NRCS  
1303 Dallas Cherryville Hwy  
Dallas NC 28034  
704-922-2159

**CONFIDENTIALITY NOTICE:**

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# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Asheville Field Office  
160 Zillicoa Street  
Asheville, North Carolina 28801

May 24, 2006

Ms. Donna Braun  
Norfolk Southern  
3 Commercial Place  
12<sup>th</sup> Floor – Strategic Planning  
Norfolk, Virginia 23510

Dear Ms. Braun:

Subject: Norfolk Southern Railway Company's Request to Abandon 2.0 Miles of Rail Line in Gastonia, Gaston County, North Carolina

We received a letter from Mr. Marcellus C. Kirchner of Norfolk Southern Corporation dated April 26, 2006, requesting our comments about the subject project. Mr. Kirchner asked that our comments be sent to you. The following comments are provided in accordance with the provisions of the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e); the Migratory Bird Treaty Act, as amended (16 U.S.C. 703); and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

According to your letter, Norfolk Southern Railway Company proposes to abandon 2.0 miles of rail line between mileposts HG 45.0 and HG 47.0 in the Town of Gastonia, North Carolina. The tracks and other material would be removed, but no construction (roads, dredging, fill) is expected to occur.

Based on the information provided and a review of our records, we do not believe the subject project is likely to adversely affect any federally listed endangered or threatened species. Therefore, we believe the requirements under section 7 of the Act are fulfilled. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

We appreciate the opportunity to provide these comments and request that you continue to keep us informed as to the progress of this project. If you have questions, please contact Mr. Allen Ratzlaff of our staff at 828/258-3939, Ext. 229. In any future correspondence concerning this project, please reference our Log Number 4-2-06-273.

Sincerely,



for

Brian P. Cole  
Field Supervisor



## North Carolina Department of Administration

Michael F. Easley, Governor

Britt Cobb, Secretary

August 9, 2006

Mr. Marcellus Kirchner  
Norfolk Southern Railway Company  
Three Commercial Place  
Norfolk, VA 23510-9241

Dear Mr. Kirchner:

Re: SCH File # 07-E-0000-0010; Scoping; NSR proposes to abandon the segment of rail line between Milepost HG 45.0 & Milepost HG 47.0 in Gaston County. Docket No. AB-290 (Sub-No. 275X).

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Chrys Baggett/576".

Ms. Chrys Baggett  
Environmental Policy Act Coordinator

Attachments

cc: Region F





## North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

### MEMORANDUM



TO: Chrys Baggett  
State Clearinghouse

FROM: Melba McGee *McGee*  
Environmental Review Coordinator

SUBJECT: 07-0010 NRS Environmental Report on Docket No. AB-290 (Sub-No 275X) Abandonment in Gaston County

DATE: July 28, 2006

The Department of Environment and Natural Resources has reviewed the proposed information. The attached comments are for the applicant's information.

Thank you for the opportunity to review.

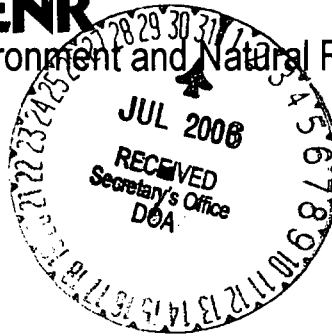
Attachments



## North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary



To: Chrys Baggett

From: Bill Flourney

*B7.*

Subject: NRS Environmental Report on Docket No. AB-290 (Sub-No. 275X)  
Abandonment in Gaston County, NC (SCH #07-0010)

Date: July 12, 2006

The NC Department of Environment and Natural Resources has reviewed the Environmental Report prepared by Norfolk Southern Railway Company for the proposed abandonment of rail line in Gastonia, NC. Generally speaking, it appears to reflect the information currently available on the proposal.

This department supports local government initiatives for rail to trail conversions. Such efforts lead to near-term positive results, and can evolve into interconnected countywide, regional, and statewide networks thereafter. Conserving as much abandoned rail rights-of-way mileage as possible is in the best interest of current and future citizens of this state. To that end, the NC Conservation Tax Credit is available when interests in real property are donated to a qualified recipient for specific conservation purposes. A railroad corridor donation has been certified for tax credit, because it included a condition requiring rail-with-trail should rail service be reestablished. More information on this conservation incentive program can be found at <http://ncctc.enr.state.nc.us>, and the opportunity is commended for review by NSR.

There are some potentially positive impacts of the proposed action that were not mentioned in the Environmental Report. Effects on Air Emissions did not note that trail use accommodates nonmotorized transportation within urban and urbanizing areas, thereby reducing motor vehicle emissions. Public Health and Safety did not note that close-to-home and accessible trails accommodate discretionary exercise opportunities, in addition to nonmotorized transportation, thereby promoting public health improvement.

This department appreciates the opportunity to review the Environmental Report.

cc: Jack L. Kiser  
Jan Winters  
Patrick B. Simmons  
Surface Transportation Board

1601 Mail Service Center, Raleigh, North Carolina 27699-1601  
Phone: 919-733-4984 \ FAX: 919-715-3060 \ Internet: [www.enr.state.nc.us/ENR/](http://www.enr.state.nc.us/ENR/)

One  
North Carolina  
*Naturally*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUL 07 2006

Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

SUBJ: Docket No. AB-290 (Sub-No. 275X)

Dear Mr. Kirchner:

This letter is in response to your letter of July 3, 2006, requesting comments from the Environmental Protection Agency (EPA) on the abandonment of 2.0 miles of rail line between Milepost HG 45.0 in and Milepost HG 47.0 located in Gastonia, Gaston County, North Carolina.

Please be aware that this activity would be subject to the requirements of the Clean Water Act (CWA) if, in the process of dismantling the track, one or more acres of land are disturbed by clearing, grading or excavation and if storm water discharges from this disturbance enter a surface water body, by direct conveyance (pipe, ditch, etc.), or through a municipal separate storm sewer system. Based on the information provided in your letter and the attached Environmental Report, it appears that this activity is not subject to NPDES permitting requirements. The State of North Carolina Department of Environment and Natural Resources has been authorized to implement the National Pollutant Discharge Elimination System (NPDES) permit program, under Section 402 of the CWA. Please rely on the response you receive from the State for a final determination in this matter.

If EPA can be of further assistance to you in this matter, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roosevelt Childress".

Roosevelt Childress, Chief  
NPDES and Biosolids Permits Section  
Permits, Grants, and Technical Assistance Branch  
Water Management Division

cc: Susan Wilson

North Carolina Department of Environment and Natural Resources

**U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT**

Action Id. **SAW-2006-32431-336**

County **Gaston**

**NO DEPARTMENT OF THE ARMY AUTHORIZATION REQUIRED**

Property owner **Norfolk Southern  
3 Commercial Place  
12<sup>th</sup> Floor – Strategic Planning  
Norfolk, VA 23510**

Telephone

Size and Location of project (water body, road name/number, town, etc.):  
**Norfolk Southern RR line between Milepost HG 45.0 and HG 47.0; near Gastonia, NC.**

Description of Activity:

**Abandonment of above referenced railroad line for approx. 2 miles.**

Your work as described above does not require Department of the Army authorization for the following reason(s):

- ☐ There are no jurisdictional waters or wetlands within the boundaries of the project as described above. This determination is effective for five years from the date of this document.
- ☒ The proposed project does not have a regulated impact on jurisdictional waters or wetlands.
- ☐ The proposed project is exempt from Department of the Army regulations.
- ☐ This project is under the linear footage/acreage threshold for notification to us. Therefore, no written authorization is required. The project is still, however, subject to the conditions listed under Nationwide Permit No. \*

(Specify)

Any changes in the described work resulting in impacts to jurisdictional waters or wetlands or any new work in jurisdictional waters or wetlands outside the area described above must be coordinated with the Corps of Engineers prior to commencement. Please contact the Regulatory Official specified below.

For any activity within the twenty coastal counties, before beginning work, you must contact the N.C. Division of Coastal Management at telephone (919) 733-2293 to discuss any required State permit authorization.

This Department of the Army determination does not relieve the property owner of the responsibility to obtain any other required Federal, State, or local approvals/permits.

Date: June 20, 2006

Corps Regulatory Official **Steve Chapin**

Telephone No. **(828) 271-7980 x224**

## Headrick, Kathy, C

---

**From:** Kirchner, Marc C.  
**Sent:** Thursday, August 17, 2006 5:08 PM  
**To:** Headrick, Kathy, C  
**Subject:** FW: [Fwd: [Fwd: NGS Response, STB docket AB-290 (SUB NO. 275X)]]

-----Original Message-----

**From:** Simon Monroe [mailto:Simon.Monroe@noaa.gov]  
**Sent:** Monday, July 24, 2006 4:56 PM  
**To:** Gary.Thompson@NCmail.net  
**Cc:** Scott Lokken; Gilbert Mitchell; National Society of Professional Surveyors; Surface Transportation Board; marc.kirchner@nscorp.com  
**Subject:** [Fwd: [Fwd: NGS Response, STB docket AB-290 (SUB NO. 275X)]]

Thank you for sharing your railroad abandonment environmental report for Gastonia, Gaston County, North Carolina.

Approximately 05 geodetic survey marks may be located in the area described. If marks will be disturbed by the abandonment, NGS requests 90-day advance notice to attempt their formal relocation. These marks are described on the attached file. Additional advice is provided at <http://geodesy.noaa.gov/marks/railroads/>

-----  
|Dist|PID...|H V|Vert\_Source|Approx.|Approx..|Stab|Designation

|....|FA0860|. 1|88/ADJUSTED|N351710|W0811113|C...|B 158

|....|FA3144|2 .|29/VERT ANG|N351654|W0811102|C...|SIMS

|....|FA0861|. 1|88/ADJUSTED|N351626|W0811055|C...|C 158

|....|FA0797|. 1|88/ADJUSTED|N351551|W0811041|D...|RV 81

|....|FA0796|. 1|88/ADJUSTED|N351552|W0811055|B...|T 40

# **Appendix D**

## **Fugitive Dust Regulation**

**SECTION .0400 - AMBIENT AIR QUALITY STANDARDS****.0401 PURPOSE**

(a) The purpose of the ambient air quality standards set out in this Section is to establish certain maximum limits on parameters of air quality considered desirable for the preservation and enhancement of the quality of the state's air resources. Furthermore, the objective of the Commission, consistent with the North Carolina Air Pollution Control Law, shall be to prevent significant deterioration in ambient air quality in any substantial portion of the state where existing air quality is better than the standards. An atmosphere in which these standards are not exceeded should provide for the protection of the public health, plant and animal life, and property.

(b) Ground level concentrations of pollutants will be determined by sampling at fixed locations in areas beyond the premises on which a source is located. The standards are applicable at each such sampling location in the state.

(c) No facility or source of air pollution shall cause any ambient air quality standard in this Section to be exceeded or contribute to a violation of any ambient air quality standard in this Section except as allowed by Rules .0531 or .0532 of this Subchapter.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);  
Eff. February 1, 1976;  
Amended Eff. December 1, 1992; October 1, 1989; July 1, 1984.*

**.0402 SULFUR OXIDES**

(a) The ambient air quality standards for sulfur oxides measured as sulfur dioxide are:

- (1) 80 micrograms per cubic meter (0.03 p.p.m.) annual arithmetic mean,
- (2) 365 micrograms per cubic meter (0.14 p.p.m.) maximum 24-hour concentration not to be exceeded more than once per year,
- (3) 1300 micrograms per cubic meter (0.5 p.p.m.) maximum three-hour concentration not to be exceeded more than once per year.

(b) Sampling and analysis shall be in accordance with procedures in

Appendix A 40 CFR Part 50 or equivalent methods established under 40 CFR Part 53.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);  
Eff. February 1, 1976;  
Amended Eff. July 1, 1984; December 1, 1976.*

#### **.0403 TOTAL SUSPENDED PARTICULATES**

(a) The ambient air quality standards for total suspended particulate matter are:

- (1) 75 micrograms per cubic meter annual geometric mean,
- (2) 150 micrograms per cubic meter maximum 24-hour concentration not to be exceeded more than once per year.

(b) Sampling and analysis shall be in accordance with procedures in Appendix B of 40 CFR Part 50 or equivalent methods established under 40 CFR Part 53.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);  
Eff. February 1, 1976;  
Amended Eff. July 1, 1988; July 1, 1984; October 15, 1981.*

#### **.0404 CARBON MONOXIDE**

(a) The ambient air quality standards for carbon monoxide are:

- (1) 9 parts per million (10 milligrams per cubic meter) maximum eight-hour average concentration not to be exceeded more than once per year,
- (2) 35 parts per million (40 milligrams per cubic meter) maximum one-hour average concentration not to be exceeded more than once per year.

(b) Sampling and analysis shall be in accordance with procedures in Appendix C 40 CFR Part 50 or equivalent methods established under 40 CFR Part 53.

(c) An eight-hour average shall be considered valid if at least 75 percent of the hourly averages for the eight-hour period are available. In the event that only six or seven hourly averages are available, the eight-hour average shall be computed on the basis of the hours available using six or seven as the divisor.

(d) When summarizing data for comparison with the standards, averages shall be stated to one decimal place. Comparison of the data



with the levels of the standards in parts per million shall be made in terms of integers with fractional parts of 0.5 or greater rounding up.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);  
Eff. February 1, 1976;  
Amended Eff. October 1, 1989; July 1, 1984; December 1, 1976.*

#### **.0405 OZONE**

The ambient air quality standard for ozone measured by a reference method based on Appendix D of 40 CFR Part 50 and designated according to 40 CFR Part 53 is 0.08 parts per million (ppm), daily maximum 8-hour average. The standard is attained at an ambient air quality monitoring site when the average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.08 parts per million (ppm) as determined by Appendix I of 40 CFR Part 50, or equivalent methods established under 40 CFR Part 53.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);  
Eff. February 1, 1976;  
Amended Eff. April 1, 1999; July 1, 1984; July 1, 1979;  
December 1, 1976.*

#### **.0406 HYDROCARBONS**

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);  
Eff. February 1, 1976;  
Amended Eff. December 1, 1976;  
Repealed Eff. July 1, 1984.*

#### **.0407 NITROGEN DIOXIDE**

(a) The ambient air quality standard for nitrogen dioxide is 0.053 parts per million (100 micrograms per cubic meter) annual arithmetic mean.

(b) Sampling and analysis shall be in accordance with procedures in Appendix F 40 CFR Part 50 or equivalent methods established under 40 CFR Part 53.

(c) The standards are attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 parts per million, rounded to three decimal places (fractional parts equal to or

greater than 0.0005 parts per million are rounded up). To demonstrate attainment, an annual mean must be based on hourly data that are at least 75 percent complete or on data derived from manual methods that are at least 75 percent complete for the scheduled sampling days in each calendar quarter.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);  
Eff. February 1, 1976;  
Amended Eff. October 1, 1989; July 1, 1984; December 1, 1976.*

#### **.0408 LEAD**

The ambient air quality standard for lead and its compounds, measured as elemental lead by a reference method based on Appendix G of 40 CFR Part 50 or by an equivalent method established under 40 CFR Part 53, is 1.5 micrograms per cubic meter, maximum arithmetic mean over a calendar quarter.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);  
Eff. June 1, 1980;  
Amended Eff. July 1, 1984.*

#### **.0409 PM10 PARTICULATE MATTER**

(a) The ambient air quality standards for PM10 particulate matter are:

- (1) 150 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), 24-hour average concentration; and
- (2) 50 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), annual arithmetic mean.

These standards are attained when the annual arithmetic mean concentration is less than or equal to  $50 \mu\text{g}/\text{m}^3$ , and when the 99th percentile 24-hour concentration is less than or equal to  $150 \mu\text{g}/\text{m}^3$ , as determined according to Appendix N of 40 CFR Part 50.

(b) For the purpose of determining attainment of the standards in Paragraph (a) of this Rule, particulate matter shall be measured in the ambient air as PM10 (particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers) by either:

- (1) a reference method based on Appendix M of 40 CFR Part 50 and designated according to 40 CFR Part 53; or
- (2) an equivalent method designated according to 40 CFR Part 53.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);  
Eff. July 1, 1988;  
Amended Eff. April 1, 1999.*

**.0410 PM2.5 PARTICULATE MATTER**

(a) The ambient air quality standards for PM2.5 particulate matter are:

- (1) 15.0 micrograms per cubic meter ( $\text{ug}/\text{m}^3$ ), annual arithmetic mean concentration; and
- (2) 65 micrograms per cubic meter ( $\text{ug}/\text{m}^3$ ), 24-hour average concentration.

These standards are attained when the annual arithmetic mean concentration is less than or equal to  $15.0 \text{ ug}/\text{m}^3$  and when the 98th percentile 24-hour concentration is less than or equal to  $65 \text{ ug}/\text{m}^3$ , as determined according to Appendix N of 40 CFR Part 50.

(b) For the purpose of determining attainment of the standards in Paragraph (a) of this Rule, particulate matter shall be measured in the ambient air as PM2.5 (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) by either:

- (1) a reference method based on Appendix L of 40 CFR Part 50 and designed according to 40 CFR Part 53; or
- (2) an equivalent method designed according to 40 CFR Part 53.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);  
Eff. April 1, 1999;*

*Amended Eff. April 1, 2001.*

**15A NCAC 02D .0540 PARTICULATES FROM FUGITIVE NON-PROCESS DUST EMISSION SOURCES**

(a) For the purpose of this Rule the following definitions shall apply:

- (1) "Fugitive non-process dust emission" means particulate matter that is not collected by a capture system and is generated from areas such as pit areas, process areas, haul roads, stockpiles, and plant roads.
- (2) "Substantive complaints" means complaints that are verified with physical evidence acceptable to the Division.

(b) The owner or operator of a facility required to comply with rules 15A NCAC 2D .0506, Particulates from Hot Mix Asphalt Plants, .0509, Particulates from Mica or Feldspar Processing Plants, .0510, Particulates from Sand, Gravel, or Crushed Stone Operations, or .0511, Particulates from Lightweight Aggregate Processes, shall not cause or allow fugitive non-process dust emissions to cause or contribute to substantive complaints.

(c) If fugitive non-process dust emissions from a facility required to comply with this Rule cause or contribute to substantive complaints, the owner or operator of the facility shall:

- (1) within 30 days upon receipt of written notification from the Director of a second substantive complaint in a 12-month period, submit to the Director a written description of what has been done and what will be done to reduce fugitive non-process dust emissions from that part of the facility that caused the second substantive complaint;
- (2) within 90 days of receipt of written notification from the Director of a second substantive complaint in a 12-month period, submit to the Director a control plan as described in Paragraph (e) of this Rule; and
- (3) within 30 days after the Director approves the plan, be in compliance with the plan.

(d) The Director may require that the owner or operator of a facility covered by Paragraph (b) of this Rule, develop and submit a fugitive non-process dust control plan as described in Paragraph (e) of this Rule if:

- (1) ambient air quality measurements or dispersion modeling acceptable to the Division show violation or a potential for a violation of an ambient air quality standard for particulates in 15A NCAC 2D .0400; or
- (2) if the Division observes excessive fugitive non-process dust emissions from the facility beyond the property boundaries.

The control plan shall be submitted to the Director no later than 90 days after notification. The facility shall be in compliance with the plan within 30 days after the Director approves the plan.

(e) The fugitive dust control plan shall:

- (1) identify the sources of fugitive non-process dust emissions within the facility;
- (2) describe how fugitive non-process dust will be controlled from each identified source;
- (3) contain a schedule by which the plan will be implemented;
- (4) describe how the plan will be implemented, including training of facility personnel; and
- (5) describe methods to verify compliance with the plan.

(f) The Director shall approve the plan if he finds that:

- (1) the plan contains all required elements in Paragraph (e) of this Rule;
- (2) the proposed schedule contained in the plan will reduce fugitive non-process dust emissions in a timely manner;
- (3) the methods used to control fugitive non-process dust emissions are sufficient to prevent fugitive non-process dust emissions from causing or contributing to a violation of the ambient air quality standards for particulates; and
- (4) the described compliance verification methods are sufficient to verify compliance with the plan.

If the Director finds that the proposed plan does not meet the requirements of this Paragraph he shall notify the owner or operator of the facility of any deficiencies in the proposed plan. The owner or operator shall have 30 days after receiving written notification from the Director to correct the deficiencies.

(g) If after a plan has been implemented, the Director finds that the plan inadequately controls fugitive non-process dust emissions, he shall require the owner or operator of the facility to correct the deficiencies in the plan. Within 90 days after receiving written notification from the Director identifying the deficiency, the owner or operator of the facility shall submit a revision to his plan to correct the deficiencies.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
143-215.108(c)(7);  
Eff. July 1, 1998.*

# **Appendix E**

## **At-Grade Crossings**

### Public Crossings

<b>Main &amp; Broad Streets</b>	<b>MP HG 45.05</b>	<b>LAT: 35.2651</b> <b>LON: -81.17813</b>
<b>Ratchford &amp; Broad Streets</b>	<b>MP HG 45.15</b>	<b>LAT: 35.26651</b> <b>LON: -81.17834</b>
<b>Long and Broad Streets</b>	<b>MP HG 45.5</b>	<b>LAT: 35.27125</b> <b>LON: -81.17978</b>
<b>Marietta Street</b>	<b>MP HG 45.7</b>	
<b>W. Sycamore Avenue</b>	<b>MP HG 46.2</b>	<b>LAT: 35.27947</b> <b>LON: -81.18652</b>
<b>Rankin Lake Road</b>	<b>MP HG 46.8</b>	<b>LAT: 35.28786</b> <b>LON: -81.18708</b>

### Private Crossing

<b>Public Service Co.</b>	<b>MP HG 45.95</b>	<b>LAT: 35.27665</b> <b>LON: -81.18388</b>
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# **Appendix F**

## **Federal and State Threatened and Endangered Species Listings**



## NC NHP County Element Search Results

[New Search](#)

Returned Elements: 11 using: GASTON LISTED  
 [Invertebrate Animal 1] [Vascular Plant 4] [Vertebrate Animal 6]

Major Group	Scientific Name	Common Name	State Status	Federal Status	State Rank	Global Rank	County - Status	Map - Habitat
Invertebrate Animal	<i>Satyrus kingi</i>	King's Hairstreak	W1	None	S3S4	G3G4	Gaston - Current	<a href="#">Link</a>
Vascular Plant	<i>Helianthus schweinitzii</i>	Schweinitz's Sunflower	E	E	S3	G3	Gaston - Current	<a href="#">Link</a>
Vascular Plant	<i>Quercus ilicifolia</i>	Bear Oak	T	None	S2	G5	Gaston - Current	<a href="#">Link</a>
Vascular Plant	<i>Schisandra glabra</i>	Magnolia Vine	T-SC	None	S1	G3	Gaston - Current	<a href="#">Link</a>
Vascular Plant	<i>Symphyotrichum georgianum</i>	Georgia Aster	T	C	S2	G2G3	Gaston - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Carpodacus velifer</i>	Highfin Carpsucker	SC	None	S2	G4G5	Gaston - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Crotalus horridus</i>	Timber Rattlesnake	SC	None	S3	G4	Gaston - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Glyptemys muhlenbergii</i>	Bog Turtle	T	T	S2	G3	Gaston - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Haliaeetus leucocephalus</i>	Bald Eagle	T	T	S3B,S3N	G5	Gaston - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Lanius ludovicianus</i>	Loggerhead Shrike	SC	None	S3B,S3N	G4	Gaston - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Sistrurus miliarius</i>	Pigmy Rattlesnake	SC	None	S3	G5	Gaston - Current	<a href="#">Link</a>

NC NHP database updated on Thursday, May 4th, 2006.

Search performed on Wednesday, 21 June 2006 @ 17:14:17 EDST

## Environmental Report Certificate of Service

Pursuant to the requirements of 49 C.F.R §1105.8(c), the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-290 (Sub-No. 275X) was mailed via first class mail on July 3, 2006 to the following parties:

<b>Agency</b>	<b>Contact Name</b>	<b>Address</b>
North Carolina State Clearing House	Ms. Chrys Baggett	Department of Administration 1301 Mail Service Center Raleigh, NC 27699-1301
United States Environmental Protection Agency	Mr. Roosevelt Childress Chief NPDES & Biosolids Permits Section	Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303-3104
North Carolina Department of Environment and Natural Resources	Mr. Michael Parker Environmental Specialist	Division of Water Quality Asheville Regional Office 2090 US Highway 70 Swannanoa, NC 28778
North Carolina Department of Environment and Natural Resources	Mr. William G. Ross Jr. Secretary	Department of Environment and Natural Resources 1601 Mail Service Center Raleigh, NC 27699-1601
Mayor, City of Gastonia	Ms. Jennifer T. Stultz	P. O. Box 1748 Gastonia, NC 28053-1748
Manager Gaston County	Mr. Jan Winters	Administrative Building 128 W. Main Avenue Gastonia, NC
Director of Planning, City of Gastonia	Mr. Jack L. Kiser, AICP	P. O. Box 1748 Gastonia, NC 28053-1748
U. S. Fish and Wildlife Service	Mr. Sam Hamilton Regional Director	Region 4 1875 Century Boulevard Atlanta, GA 30345
U. S. Fish and Wildlife Service	Mr. Brian Cole	Asheville Field Office 160 Zillicoa Street Asheville, NC 28801
U. S. Army Corps of Engineers	Mr. Samuel Jolly Chief, Regulatory Branch	Wilmington District P. O. Box 1890 Wilmington, NC 28402 -1890
National Park Service	Ms. Patricia Hooks Regional Director	100 Alabama Street, SW Atlanta, GA 30303

USDA Natural Resources Conservation Service	Ms. Mary K. Combs State Conservationist	USDA Natural Resources Conservation Service 4405 Bland Rd., Suite 205 Raleigh, NC 27609
USDA Natural Resources Conservation Service	Mr. Shawn Smith District Conservationist	Dallas Service Center 1303 Dallas Cherryville Highway Dallas, NC 28034-7799
National Geodetic Survey N/NGS2	Mr. Frank Maida DOC/NOAA	1315 East/West Highway Station 8736 Silver Spring, MD 20910
State Geodetic Survey Contact	Mr. Gary W. Thompson, RLS	Chief, NC Geodetic Survey Elks Building 20323 Mail Service Center Raleigh, NC 27699-0323
North Carolina Department of Transportation [Courtesy Copy]	Mr. Patrick B. Simmons Director	Rail Division 1533 Mail Service Center Raleigh, NC 27699-1533




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Marcellus C. Kirchner  
July 3, 2006

## HISTORIC REPORT

### PROPOSED RAIL LINE ABANDONMENT

#### **PROPOSED ACTION AND ALTERNATIVES**

Norfolk Southern Railway Company (NSR) proposes to abandon 2.0 miles of rail line between Mileposts HG-45.0 and HG-47 at Gastonia, North Carolina. A map delineating the line proposed for abandonment is attached as Appendix "A".

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. NSR would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

NSR's interest in the 1.8 mile segment of the subject line between mileposts HG 45.0 and HG 46.8 will be conveyed to the City of Gastonia for interim trail use under the National Trails System Act and creation of a greenway. The grade crossing at milepost HG 45.5 will be removed, but no other removal or salvage of rail and track material will occur on this 1.8 mile segment. Rail and track materials will be salvaged on the two-tenths of a mile between mileposts HG 46.8 and HG 47.0.

#### **ADDITIONAL INFORMATION**

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Division of Archives and History of the North Carolina Department of Cultural Resources.
- (2) **Written Description of Right of Way** -- The right of way width is 50 feet on each side of the main track centerline. The line passes through an urban area.

- (3) **Photographs** – As there are no bridges or other structures on the segment to be abandoned, no photographs are provided.
- (4) **Date of Construction of Structures** – There are no bridges or other structures associated with this abandonment.
- (5) **History of Operations and Changes Contemplated** - The Norfolk Southern Railway Company (NSR) line of railroad that is the subject of the related petition to the Surface Transportation Board (STB) is a 2.0-mile rail line between Mileposts HG-45 and HG-47.0 at Gastonia in Gaston County, North Carolina. The line was built as a narrow gauge line of railroad in 1880 by Norfolk Southern Railway Company's predecessor, The Kings Mountain Railroad Company, with assistance from The Charlotte and South Carolina Railroad Company.

The Kings Mountain Railroad Company was incorporated by an act of the South Carolina legislature, passed December 19, 1848, for the purpose of building a line of railroad between Yorkville and some convenient point on the Charlotte and South Carolina Railroad. Under this charter, the Kings Mountain Railroad Company built a line between Yorkville, SC and a point on the Charlotte and South Carolina Railroad, a distance of twenty-three (23) miles. The line was opened in 1852 and was operated for ten years until it was wrecked during the Civil War.

The Charlotte and South Carolina Railroad Company aided the reconstruction and extension of the former Kings Mountain Railroad Company line, after a consolidation agreement was executed by the Kings Mountain Railroad Company and the Carolina Narrow Gauge Railroad Company to form the Chester and Lenoir Narrow Gauge Railroad Company on April 3, 1874. The rebuilt and extended narrow gauge rail line was opened between Chester, SC and Lincolnton,

NC, a distance of sixty-three (63) miles, in 1880. The segment of line in Gastonia, NC was part of this Chester, SC - Lincolnton, NC line.

The Lenoir and Chester line, under the name of Chester and Lenoir Railroad Company, was later operated under a lease of September 22, 1882 by the Charlotte, Columbia and Augusta Railroad Company, which by that date had become part of the Richmond and Danville Railroad system. The lease was made in part in order to gain assistance from the Richmond and Danville for completion of the line to Lenoir, NC. Thereafter, Chester and Lenoir Railroad Company constructed an additional forty-six (46) miles of railroad line between Lincolnton, NC and Lenoir, NC. The portion of the line between Newton, NC and Hickory, NC, a distance of about 10 miles, was completed by laying a third rail in the track of the Western North Carolina Railroad, over which Charlotte, Columbia and August Railroad secured trackage rights. The extension between Lincolnton and Lenoir opened June 2, 1884.

The Charlotte, Columbia and Augusta Railroad Company also leased the Cheraw and Chester Railroad Company line on September 29, 1882. This company's narrow-gauge line connected with the Chester and Lenoir Railroad. It was located between Chester, SC and Lancaster, SC, a distance of twenty-nine (29) miles.

The Richmond and Danville Railroad Company entered into a ninety-nine (99) year lease of the Charlotte, Columbia and Augusta Railroad Company property, dated May 1, 1886, and thus assumed operation of the Chester and Lenoir Narrow Gauge Railroad Company property under its own name. Richmond and Danville Railroad Company's lease of the Charlotte, Columbia and Augusta Railroad

Company was abrogated on July 31, 1893, along with the Richmond and Danville Railroad Company's ninety-nine (99) year lease of the Chester and Lenoir Narrow Gauge Railroad Company.

When separate receivers were appointed to take charge of the main line property of the Charlotte, Columbia and Augusta Railroad Company on August 1, 1893, those receivers rejected the 1882 lease of the Chester and Lenoir and left the property in the hands of the Richmond and Danville Railroad Company Receivers. The Richmond and Danville Receivers in turn declined to continue operation of the Chester and Lenoir Narrow Gauge Railroad Company because it did not even pay its operating expenses. They surrendered possession of the line to its owner, the Chester and Lenoir Narrow Gauge Railroad Company, on December 1, 1893. A separate receiver was appointed for the Chester and Lenoir Railroad Company. That receiver continued in possession of the Chester and Lenoir property until 1897. Thus, the Chester and Lenoir was excluded from the Richmond Terminal reorganization that resulted in the organization of Southern Railway Company.

When the Chester and Lenoir was still in the hands of the receiver, an independent reorganization was proposed and authority therefor was obtained in an Act of North Carolina entitled An Act to incorporate the Carolina and Northwestern Railway Company, ratified March 11, 1895. The act provided for a new corporation which might purchase the property of the Chester and Lenoir and thereunder extend its line through the counties of Caldwell and Watauga to a point on the State line of Tennessee in the last named county. The company contemplated making a connection with the East Tennessee and Western North Carolina Railroad.

Later this new corporation took title to the Chester and Lenoir Railroad

property on February 8, 1897, from the purchasers thereof in foreclosure of the second mortgage dated July 1, 1880.

In the spring of 1898, the Carolina and Northwestern Railway Company negotiated a contract with Southern Railway Company, under which it removed its third rail from the Western North Carolina Railroad Company line between Newton, NC and Hickory, NC, and constructed in lieu thereof a line of its own upon a right of way parallel with the Western North Carolina, which had been granted to it by Southern Railway Company.

Southern Railway Company acquired 16,710 of the 16,963 of common stock and all 11,000 shares of preferred stock, but not the 95 shares of Common Stock Voting Trust Certificates, of the Carolina and Northwestern Railway Company under a transaction pursuant to an agreement dated August 7, 1903 between The Standard Trust Company and William A. Barber, former President of the Carolina and Northwestern Railway Company. For unknown reasons, Southern Railway Company did not register the stock in its name until 1951. Then it did so under ICC authority granted in Finance Docket No. 17158, Carolina & Northwestern Railway Company Control, 282 ICC 803 (1951), June 7, 1951. Southern Railway acquired three additional shares of the C&NW Common Stock in 1951 and 50 additional shares of C&NW Common Stock on January 20, 1958.

In 1910, Carolina and Northwestern Railway Company merged with the Caldwell and Northern Railroad Company. C&NW assumed the Caldwell and Northern First Mortgage Bonds. Southern Railway Company had acquired the stock of the Caldwell and Northern in the transaction with William A. Barber. This mortgage constituted a first lien on the 20.3 miles of Carolina and Northwestern



Railway Company line between Lenoir, NC and Edgemont, NC, which was abandoned pursuant to ICC authority in Finance Docket No. 11723, Carolina & Northwestern Railway Company Abandonment, 228 ICC 68 (1938), decided April 27, 1938. After the abandonment, Carolina and Northwestern Railway Company continued to operate the remainder of its railroad consisting of 112.29 miles of line between Chester, SC and Lenoir, NC and 9.07 miles of trackage rights over Southern Railway Company's line between Newton, NC and Hickory, NC, under an agreement of June 12, 1902, until 1951. In 1951, Carolina and Northwestern Railway Company expanded its operations through the lease of four additional, widely separated short line subsidiaries of Southern Railway Company under ICC authority granted in Finance Docket No. 17158, Carolina & Northwestern Railway Company Control, 282 ICC 803 (1951), June 7, 1951.

The four Carolina and Northwestern Railway Company leases dated July 1, 1951, were to run until December 31, 2000, subject to termination on six months notice. They provided for the combined operation in the Carolina and Northwestern name only of the following properties: the Blue Ridge Railway Company ("Anderson Division"), 44.03 miles of line between Belton, SC and Walhalla, SC; the Danville and Western Railway Company ("Martinsville Division"), 50.55 miles of line between Stokesville, VA and Fieldale, VA with branches to Leaksville, NC and Martinsville, VA; the High Point, Randleman, Asheboro and Southern Railroad Company ("Asheboro Division"), 27.46 miles of line between High Point, NC and Asheboro, NC; and Yadkin Railroad Company ("Albemarle Division"), 43.11 miles of line between Albemarle, NC and Yadkin Junction (Salisbury) NC, including 10.82 miles from Halls Ferry Junction to Whitney, and from Whitney to Badin under contract

from Carolina Aluminum Co., and 1.35 miles of trackage rights between Yadkin Junction and Spencer, NC.

On June 12, 1957, C&NW paid off the entire principal amount of the Caldwell and Northern 5% First Mortgage Bonds.

Carolina and Northwestern Railway Company merged into the old Norfolk Southern Railway Company on January 1, 1974, pursuant to ICC Finance Docket Nos. 27078, 27079.

Norfolk Southern Railway Company abandoned 10.4 miles of rail line between Dallas (milepost HG 52.0) and Lincolnton (milepost HG 62.4) in Gaston and Lincolnton Counties, NC pursuant to authority granted in ICC Docket No. 125 (Sub-4F), *Norfolk Southern Railway Co. -- Abandonment -- Between Dallas and Lincolnton, NC*, 46 FR 31392, June 15, 1981. Norfolk Southern Railway Company subsequently received authorization from the Surface Transportation Board to abandon the five mile segment of this line between Gastonia (milepost HG 47.0) and Dallas (milepost HG 52.0) in Docket No. AB-290 (Sub-No. 240X), *Norfolk Southern Railway Co. -- Abandonment Exemption -- Between Gastonia and Dallas, NC*, December 9, 2003. These abandonments left the remaining subject segment north of the main line at Gastonia, NC as an approximately two-mile long, dead end branch line or spur.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries. Norfolk and Western Railway Company

was headquartered in Roanoke, Virginia. Southern Railway Company was headquartered in Washington, DC with a substantial number of its offices also in Atlanta, Georgia. Norfolk Southern Corporation, which established its corporate headquarters at Norfolk, VA on October 1, 1982, acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC) in a decision dated March 19, 1982 in ICC Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173; 1982 ICC LEXIS 52 (1982).

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

Books on Gaston County history include *Early History of Belmont and Gaston County, North Carolina*, by Robert Lee Stowe, Publisher: Laney-Smith; (June 1997) ISBN: 0962448877; *History of Gaston County*, by Minnie Stowe Puett, Publisher: Laney-Smith; (May 1998), ISBN: 0962448885; and *Gaston County, A Pictorial History*, by Robert Leonard Williams, Publisher: Donning; ASIN: 0898650046. The main locations of the Gaston County Public Library and the Lincoln County Public Library both house a North Carolina Collection. These are non-circulating reference collections of historical and cultural materials that focus primarily on Gaston and Lincoln Counties but include North Carolina as a whole. Lesser emphasis is given to

bordering states such as South Carolina, Georgia, Virginia, and Tennessee.

After the consolidation of Norfolk and Western Railway Company and Norfolk Southern Railway Company, the Carolina and Northwestern Railway name was revived and Norfolk Southern Railway Company's name was changed to Carolina and Northwestern Railway Company to avoid confusion with the holding company.

Durham and South Carolina Railroad Company was merged into Carolina and Northwestern Railway Company on April 1, 1987.

Danville and Western Railway Company was merged into Carolina and Northwestern Railway Company on July 1, 1987.

Assets of Blue Ridge Railway Company were transferred to Carolina and Northwestern Railway Company and the Blue Ridge Railway Company was dissolved November 18, 1987.

Carolina and Northwestern Railway Company was merged into Southern Railway Company on June 1, 1988.

On October 28, 1988, Southern Railway Company filed an application under 49 U.S.C. 10903, et seq., for a certificate of public convenience and necessity permitting it to abandon 14.6 miles of railroad between milepost HG-77.0 south of Newton and milepost HG-62.4 at Lincolnton, in Catawba and Lincoln Counties, NC. The ICC granted the abandonment authority for this line in ICC Docket No. AB-290 (Sub-No. 52), *Southern Railway Company - Abandonment - Between Newton and Lincolnton in Catawba and Lincoln Counties, NC*, dated March 31, 1989.

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather

than a subsidiary of Norfolk Southern Corporation.

Southern Railway Company-Carolina Division, a wholly-owned subsidiary of Norfolk Southern Railway Company, was merged into NSR on July 1, 1996, pursuant to an STB decision served May 22, 1996. The Southern Railway Company-Carolina Division property, which had been leased to Southern Railway Company in 1902, consisted of 409 miles of railroad line in North Carolina and South Carolina at the time of the merger.

The Atlanta and Charlotte Airline Railway Company was merged into Norfolk Southern Railway Company on August 1, 1996. Southern Railway Company had leased The Atlanta and Charlotte Airline Railway Company property consisting of 255 miles of road between Charlotte, NC and Armour (Atlanta), GA in Georgia, South Carolina and North Carolina since 1894. Prior to that time, a Southern Railway Company predecessor, The Richmond and Danville Railroad Company, had leased the property of The Atlanta and Charlotte Airline Railway Company under an agreement dated March 28, 1881.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Consolidated

Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and are operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR. As a result of the Conrail Transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike.

In STB Finance Docket No. 33788, *Norfolk Southern Railway Company--Trackage Rights Exemption--Over North Carolina Railroad Company*, served August 27, 1999, the Surface Transportation Board approved North Carolina

Railroad Company's (NCRR) agreement to grant to NSR exclusive local and overhead freight trackage rights over its entire line of railroad between Charlotte and Morehead City, NC. The line extends between mileposts EC-0.0+/- and EC-94.7+/-; mileposts H-0.0+/- and H-129.5+/-; and mileposts 284.0+/- and 376.5+/-, a distance of approximately 317.2 miles in Alamance, Cabarrus, Carteret, Craven, Davidson, Durham, Guilford, Johnston, Jones, Lenoir, Mecklenburg, Orange, Randolph, Rowan, Wake, and Wayne Counties, NC. Under the agreement, NSR is permitted to grant trackage rights to its subsidiaries. NSR or its predecessors had leased and operated the NCRR property since 1871 when the NCRR line between Goldsboro, NC and Charlotte, NC was leased to The Richmond and Danville Railroad Company.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the STB for approval to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR had been managing and operating, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision. The STB approved the petition, subject to certain conditions, in a decision served on November 7, 2003. The effect of the transaction, which was concluded on August 27, 2004 by the merger of NYC and PRR into CSXT and NSR, respectively, was to replace the operating agreements and allow NSR and CSXT to operate the NYC and PRR lines via direct ownership.

The change contemplated in the operation of the subject two mile segment in Gastonia, NC is for Norfolk Southern Railway Company to abandon the subject unprofitable line of railroad and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation.

- (6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** - There are no structures on or associated with the line.
- (7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – Norfolk Southern Railway Company's opinion is that the line does not meet the criteria for listing in the *National Register of Historic Places*. The line segment proposed for abandonment does not contain any bridges or other structures and passes through an urban area and a portion lies beneath an interstate highway overpass. Carrier has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.
- (8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** -- Norfolk Southern Railway Company is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.
- (9) **Follow-Up Information** - Additional information will be provided as appropriate.





Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**Marcellus C. Kirchner**  
Director Strategic Planning  
(757) 629-2679  
(757) 823-5807 FAX

July 3, 2006

Dr. Jeffrey J. Crow, SHPO  
Division of Archives and History  
4610 Mail Service Center  
Raleigh, NC 27699-4610

RE: Docket No AB-290 Sub-No. 275X, Norfolk Southern Railway Company  
Abandonment – in Gastonia, North Carolina

Dear Dr. Crow:

Norfolk Southern soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.0 miles of rail line between milepost HG 45.0 and HG 47.0 in Gastonia in Gaston County, North Carolina. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area and topographical maps.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at [marc.kirchner@nscorp.com](mailto:marc.kirchner@nscorp.com).

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'M. Kirchner'.

Marcellus C. Kirchner

Enclosures  
cc: James R. Paschall, Esq.

**Historic Report  
Certificate of Service**

Pursuant to the requirements of 49 C.F.R § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-290 (Sub-No. 275X) was mailed via first class mail on July 3, 2006 to the following party:

Dr. Jeffrey J. Crow, SHPO  
Division of Archives and History  
4610 Mail Service Center  
Raleigh, NC 27699-4610



---

Marcellus C. Kirchner  
July 3, 2006

NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

RECEIVED  
JUL 11 2006

STATE NUMBER: 07-~~EC000-0010~~ E05

DATE RECEIVED: 07/06/2006

AGENCY RESPONSE: 08/01/2006

REVIEW CLOSED: 08/06/2006

MS RENEE GLEDHILL-EARLEY  
CLEARINGHOUSE COORD  
DEPT OF CUL RESOURCES  
ARCHIVES-HISTORY BLDG - MSC 4617  
RALEIGH NC

ER06-1381

REVIEW DISTRIBUTION  
CC&PS - DEM, NFIP  
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DENR LEGISLATIVE AFFAIRS  
DEPT OF AGRICULTURE  
DEPT OF CUL RESOURCES  
DEPT OF TRANSPORTATION

## PROJECT INFORMATION

APPLICANT: Norfolk Southern Railway Company

TYPE: National Environmental Policy Act

ERD: Scoping

DESC: NSR proposes to abandon the segment of rail line between Milepost HG 45.0 & Milepost HG 47.0 in Gaston County. Docket No. AB-290 (Sub-No. 275X).

~~Ref# ER03-2006~~

NC A- 7/26/06 A

S - (K) SDM  
8/3/06 7/31/06  
7/27/06

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

☒ NO COMMENT☐ COMMENTS ATTACHED

SIGNED BY:

*Renee Gledhill-Earley*

DATE:

8-7-06

RECEIVED

AUG 02 2006

JUL 14 2006

# AFFIDAVIT OF INSERTION OF ADVERTISEMENT

## The Gaston Gazette

Gastonia, NC  
Gaston County

The Gaston Gazette does certify that the advertisement for:

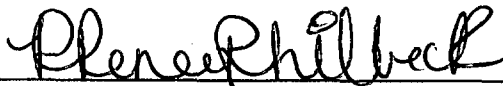
### NOTICE OF INTENT TO ABANDON RAIL SERVICE

#### Norfolk Southern Railway Company

Measuring 10.86 inches appeared in The Gaston Gazette, a newspaper published in Gaston County, Gastonia, NC, in issues:

August 10, 2006

Sworn to and subscribed before me this 10<sup>th</sup> day of August, 2006



R. Renee Philbeck, Notary Public  
My Commission Expires March 5, 2008

#### NOTICE OF INTENT TO ABANDON RAIL SERVICE

Norfolk Southern Railway Company (NSR) gives notice that on or about September 7, 2006, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting NSR's abandonment of a 2.0 mile line of railroad between mileposts HG 45.0 and HG 47.0 in Gastonia, which traverses through United States Postal Service ZIP Codes 28052, 28054 and 28056 in Gaston County, North Carolina. The line includes the former station of North Gastonia. The proceeding will be docketed as No. AB-290 (Sub No. 275X).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/ trails use also can be filed with the STB.

An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.

1C-August 10, 2006



Exhibit 4

Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

James R. Paschall  
Senior General Attorney

(757) 629-2759

August 10, 2006

Ms. JoAnne Sanford, Chair  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, NC 27699-4325

Regional Director  
National Park Service  
100 Alabama St. SW  
1924 Building  
Atlanta, GA 30303

Mr. Patrick B. Simmons  
Director-Rail Division  
North Carolina Department of Transportation  
1533 Mail Service Center  
Raleigh, NC 27699-1533

Ms. Jan Matthews, Associate Director  
U. S. Department of the Interior-National Park Service  
Cultural Resources, Room 3126  
1849 C Street, N.W.  
Washington, DC 20240

U. S. Department of Agriculture  
Chief of the Forest Service  
Sidney R. Yates Federal Building  
1400 Independence Ave., SW  
Washington, DC 20250-0003

United States Department of Defense  
Military Traffic Management Command (MTMCTEA)  
Transportation Engineering Agency  
Railroads for National Defense Program  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

Re: STB Docket No. AB-290 (Sub-No. 275X), Norfolk Southern Railway Company –  
Abandonment in Gaston County, North Carolina

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about September 7, 2006, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 2.0-mile line of railroad lying between milepost HG 45.0 and milepost HG 47.0 in Gastonia, Gaston County, North Carolina (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall

JRP:kch  
Enclosure